



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

April 12, 2004

Greg Yuncevich, Area Manager
Bureau of Land Management
Cottonwood Field Office
Route 3, Box 181
Cottonwood, Idaho 83522-9498

RE: Bureau of Land Management Cottonwood Field Office 2004 Weed Control Program
(One Project) (Hydrologic Unit Codes: 17060703, 17060209, 17060210, 17060306,
17060305)

Dear Mr. Yuncevich:

This letter responds to your March 26, 2004, letter requesting an extension of the Endangered Species Act (ESA) consultation and Magnuson-Stevens Fishery Conservation and Management Act (MSA) consultation for the Bureau of Land Management (BLM) Cottonwood Field Office's 2003 Noxious Weed Control Program Biological Opinion (Opinion). NOAA's National Marine Fisheries Service (NOAA Fisheries) issued an Opinion for the 2003 action on August 1, 2003. The 2003 biological assessment (BA) accompanying the original consultation was updated in a revised BA dated March 26, 2004, and fully explained the potential impacts on Snake River salmon and steelhead, designated critical habitat and Essential Fish Habitat (EFH) under NOAA Fisheries review. The revised 2004 project has been reviewed by NOAA Fisheries, as provided under section 7(a)(2) of the ESA and its implementing regulations, 50 CFR Part 402, and section 305(b)(2) of the MSA and its implementing regulations, 50 CFR Part 600.

SNAKE RIVER fall chinook salmon, spring/summer chinook salmon, sockeye salmon, and steelhead are likely to occur within the action area. The action is within designated critical habitat for SNAKE RIVER fall chinook salmon and spring/summer chinook salmon (December 28, 1993, 58 FR 68543) and within designated EFH for chinook salmon. Pursuant to NOAA Fisheries ESA and MSA responsibilities and authorities, NOAA Fisheries evaluated the effect of the project on ESA listed salmon and steelhead, designated critical habitat, and EFH.

The BLM plans to apply herbicides to control existing noxious weed infestations and eliminate new areas of invasion. The 2003 Opinion analyzed the effects of treating approximately 1,950 total acres with herbicides, although the BLM monitoring report dated February 27, 2004, indicated only 482.5 acres had been treated. The monitoring report also stated that all terms and conditions of the Opinion had been adhered to. In the 2004 BA, the BLM identified up to



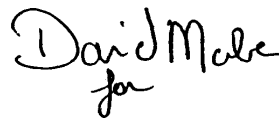
2,017 acres to be treated for noxious weeds. The BLM also identified the herbicide application methods and rates, product names, surfactants and other adjuvants, and estimated time of spraying. The BLM also committed to providing a monitoring report to NOAA Fisheries by March 15, 2005, documenting the treatments that actually occurred.

Based on the best available information and successful implementation of mitigation measures described in the BA, as well as implementation of all reasonable and prudent measures and terms and conditions described in the 2003 Opinion, NOAA Fisheries has determined that the subject action is not likely to jeopardize the continued existence of Snake River fall chinook salmon, spring/summer chinook salmon, sockeye salmon, and steelhead. NOAA Fisheries concludes the subject action would not cause adverse modification or destruction of designated critical habitat, but that the action may adversely affect designated EFH for chinook salmon. As required by section 305(b)(4)(A) of the MSA, conservation recommendations and provisions are included in the BA and the Opinion that NOAA Fisheries believes will avoid, minimize, mitigate, or otherwise offset adverse effects on EFH.

This letter extends the 2003 Opinion through December 31, 2004. All terms and conditions, reasonable and prudent measures, conservation measures and recommendations, and monitoring and reporting requirements of the 2003 Opinion remain in effect. This concludes ESA consultation and MSA consultation on this action. The BLM must reinitiate consultation on this action if new information becomes available, or if circumstances occur that may affect listed species, designated critical habitat, or may adversely affect EFH in a manner or to an extent not previously considered.

Mr. Bob Ries at (208) 882-6148 and Mr. Dale Brege at (208) 983-3859 are the NOAA Fisheries contacts for this consultation.

Sincerely,

A handwritten signature in black ink that reads "David M. Lohn" with a stylized "for" written below the name.

D. Robert Lohn
Regional Administrator

cc: J. Foss - UFWs
M. Benker - IDFG
P. Jahn - USFS
I. Jones - Nez Perce Tribe
L. Brown - BLM